

REMARKS

Please reconsider this application in view of the above amendments and the following remarks. Applicants thank the Examiner for considering this application.

Disposition of Claims

Claims 19-36 are pending in the referenced application. Claims 19, 25, 29-30, and 35-36 are independent. The remaining claims depend, directly or indirectly, from independent claims 19, 25, and 30.

Claim Amendments

Claim 20 has been amended to correct a typographical error. Support for the aforementioned amendment may be found, for example, in at least original claim 20. Further, claims 25-28 have been amended to clarify that the claim is directed to a data processing device communicating with a computer resource. Support for the aforementioned amendments may be found, for example, in at least original claims 25-28. Finally, claim 35 has been amended to clarify that the plug-in is executed by instructions encoded on a computer readable medium. Support for the aforementioned amendment may be found, for example, in at least paragraph [0038] of the Specification. No new matter has been added by any of the aforementioned amendments.

Amendment to the Specification

Paragraph [0021] of the Specification has been amended to replace the term “Figures 4-6” with “Figures 4-7.” Support for the aforementioned amendment can be found, for example, in at least paragraph [0013] and Figure 7 of the Specification. No new matter has been added by the aforementioned amendment.

Drawing Objection

The Examiner objected to the drawings for failing to comply with 37 CFR 1.84(p)(5) because a reference to Figure 7 was not mentioned in the description. Applicants respectfully disagree. Specifically, page 1, paragraph [0003] of the Specification points to Figure 7. Further, Applicants have amended the Specification to include a reference to Figure 7 under “THE INVENTION” section. Accordingly, the amended description now mentions Figure 7 and, thus, satisfies the drawing requirements of the rules outlined under C.F.R. § 1.84(p)(5). Accordingly, withdrawal of the objection is respectfully requested.

Claim ObjectionsClaim 20

Claim 20 was objected to by the Examiner for including a minor informality. Claim 20 has been amended in accordance with the Examiner’s suggestion on page 2 of the Office Action dated August 28, 2007 (“Action”) (“zero” has been amended to “zone”). Accordingly, withdrawal of this objection is respectfully requested.

Claims 26-28

Further, claims 26-28 were objected to under 37 CFR § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 26-28 depend from claim 25. Claims 25-28 have been amended to be directed to a data processing device communicating with a computer resource in accordance with the Examiner's suggestion on page 3 of the Action. Claims 25-28 are now in proper dependent form. Accordingly, withdrawal of this objection is respectfully requested.

Claim 36

Claim 36 is objected to because the Examiner asserts that the terms "create, in a browser" does not make any sense in terms of one of ordinary skill in the art. Specifically, the Examiner states that browsers are just a piece of software accessing internet websites and do not contain any physical memory where it can store information. *See* Action, page 3.

The Applicants disagree with the Examiner's assertion. One of ordinary skill in the art would understand that "creating" private zone within a browser would correspond to instantiating the necessary runtime data structures to provide the functionalities of the private zone(s). The execution context of such data structures would be within the scope of the browser. As such, the Applicants assert that it is proper to state that the private zones are "created" in the browser. Accordingly, withdrawal of this rejection is respectfully requested.

Objections under 35 U.S.C. §112

Claims 24, 26, and 31 are objected to under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner has asserted that the terms “manager” and “entity” are not described in the Specification as to enable one of ordinary skill in the art to make or use the invention as claimed. *See* Action, p. 4. Applicants respectfully disagree. First, the Specification provides definitions for the terms and a discussion of how the “manager” and “entity” are configured and used in at least paragraphs [0039] and [0114], respectively.

Second, the Applicant asserts that the above disclosure satisfies the requirements outlined in MPEP § 2164.01(c), which states:

If a statement of utility in the specification contains within it a connotation of how to use, and/or the art recognizes that standard modes of administration are known and contemplated, 35 U.S.C. 112 is satisfied. *In re Johnson*, 282 F.2d 370, 373, 127 USPQ 216, 219 (CCPA 1960); *In re Hitchings*, 342 F.2d 80, 87, 144 USPQ 637, 643 (CCPA 1965). See also *In re Brana*, 51 F.2d 1560, 1566, 34 USPQ2d 1437, 1441 (Fed. Cir. 1993).

In view of the above, claims 24, 26, and 31 are enabled. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §112

Claims 19-26, 28-31, and 33-36 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. For the reasons set forth below, the rejection is respectfully traversed.

The Examiner asserts that a “browser comprising private zones cannot be implemented due to the fact that a browser is a piece of software that is non-tangible.” Applicants respectfully assert that software is a series of bits stored on a device. Some bits correspond to executable code,

and other bits correspond to data (*e.g.*, variables). For example, Microsoft Internet Explorer consists of hundreds of computer files (*e.g.*, DLLs, INI files, cookies), which are collectively referred to as the browser. The browser is stored on a data processing device (*i.e.*, computer readable medium), and the private zones comprised by the browser may be implemented by certain files of the browser. In view of the above, the Applicant asserts that claim 19, as written, is enabled by the specification and, thus, satisfies 35 U.S.C. § 112, first paragraph. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §101

Claim 35 stands rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. As discussed previously, claim 35 has been amended to recite a computer readable medium in accordance with the Examiner's suggestion on page 5 of the Action. Thus, claim 35 is now directed to statutory subject matter. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 19, 24-25, and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0034559 ("Harris"). For the reasons set forth below, the rejection is respectfully traversed.

Turning to the rejection, "[a] claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis

added). Further, “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Moreover, “the pending claims must be given the broadest reasonable interpretation consistent with the specification. ... When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning....” MPEP § 2173.05(a) (emphasis added). The term’s meaning may be defined explicitly, or may be implicit from the context in which the term is used. *See* MPEP § 2111.01(III). Applicants assert that Harris fails to disclose all the limitations of independent claims 19, 25, and 36, for at least the reasons given below.

One or more embodiments of the claimed invention are directed to a secure method for exchanging data between a first device (*e.g.*, smart card) and one or more computer resources (*e.g.*, website). For example, Figure 1 shows a smart card CARD1 having a browser BW1, such that the smart card CARD1 is coupled to a mobile telephone MOB1. In one or more embodiments of the claimed invention, the browser BW1 is configured to communicate with multiple websites via a network.

One of ordinary skill in the art will appreciate that cookies (text files) are sent back and forth between a browser and a computer resource (*e.g.*, website). It is well known that attacks (*e.g.*, cross site scripting, cookie theft, third party cookie, or web beacon) allow cookies to be intercepted by hackers while they travel between the browser and web server. Consequently, not only are cookies fully shared between the browser and computer resource, but potentially with hackers, eliminating any form of privacy.

Accordingly, in one or more embodiments of the claimed invention, the browser includes multiple private zones, such that each private zone can be allocated to a respective set of resources to store information. A private zone comprises application data (*e.g.*, symmetric encryption keys, resident pages) used to set up a secured link with a set of resources (*e.g.*, websites). Referring to Figure 1, the smart card CARD1 includes a plug-in configured to guarantee that a set of websites communicates exclusively with the private zone allocated to it. Said another way, the application data forming each private zone can only be accessed by the respective set of websites, preventing other sets of websites from gaining access to a private zone. Advantageously, an improved trust may be obtained between, for example, smart cards and websites, when making transactions. *See e.g.*, Specification, Fig. 1 and paragraphs [0003], [0012]-[0016], and [0023]-[0026].

Turning to the claims, independent claim 19 recites,

"A data processing device configured to communicate with a plurality of resources via a browser, comprising:
the browser comprising a first private zone and a second private zone, wherein the first private zone and the second private zone are each configured to be allocated to a respective set of resources of the plurality of resources to store information; and
a plug-in configured to ensure that the respective set of resources communicate exclusively with the first private zone allocated to the respective set of resources." (emphasis added)

The aforementioned limitations explicitly require: (i) private zones (*i.e.*, part of a browser in, *e.g.*, a smart card) allocated to a set of resources (*e.g.*, websites) for storing information; and (ii) a plug-in which ensures that the set of resources (*e.g.*, designated websites) exclusively communicate with the private zone (*i.e.*, a single private zone).

Harris's failure to disclose a first or a second private zone

In contrast, Harris is directed toward simultaneously displaying multiple web pages on a single homepage, such that the browser is divided into regions configured to each display a different web page. The Examiner (relying on the Abstract of Harris) has equated the regions of Harris with the private zones of the claimed invention. *See* Action, p. 6. Applicants respectfully disagree. The regions disclosed by Harris are similar to HTML frames, such that each frame can display a different website independently from the other. For example, when viewing a website, a user may see two different websites (*e.g.*, Amazon.com and Barnes & Noble.com). The regions allow the two websites to be displayed simultaneously and independently, allowing a user to click on either of the websites. *See e.g.*, Harris, par. [0026].

As discussed previously, the specification defines a private zone as comprising application data (*e.g.*, symmetric encryption keys, resident pages) used to set up a secured link with a set of resources (*e.g.*, websites). The application data forming each private zone can only be accessed by the allocated set of websites, preventing another set of websites from using a zone which has not been allocated to it. Harris is completely silent with respect to regions that store application data which allow access to a respective set of resources. In fact, Harris discloses that the user (based on the hyperlink selected) *controls* which region on their homepage displays a particular website (indicating that the regions do not contain application data allocating a private zone with a specific website). *See* Harris, par. [0031].

Assuming even *arguendo* that the Examiner still equates private zones with regions, Applicants note that the private zones are included in the browser (*i.e.*, locally stored on a data processing device, *e.g.*, smart card) and used to communicate with a computer resource (*e.g.*, website). In contrast, the regions that divide a user's home page are actually a part of a website that the user accesses from a remote server, and not a browser that is locally stored on the user's computer. Harris is completely silent with respect to a browser stored in a data processing device having private zones.

In view of the above, Harris is silent with respect to a first private zone and a second private zone, where each private zone is allocated to store information for a respective set of resources as required by independent claim 19.

Harris' failure to disclose a plug-in ensuring that a set of resources communicates exclusively with the private zone

Further, Harris is silent with respect to a plug-in, which allows exclusive communication between a set of resources (*e.g.*, websites) and a private zone as required by the claims.

The Examiner, on page 6 of the Action, asserts that the plug-in is interpreted to be a software program that provides added functionality to larger applications such as the application to display the regions in Harris. Applicants respectfully assert that the Examiner has overlooked the significance of exclusive communication between the private zone and the computer resource. Harris specifically discloses that "the length of time that a particular online advertiser server transmits its formatted marketing-based web pages for display [to a region on the homepage of the user] depends...on whether the user navigates to another online publisher homepage..., [or] a

predetermined amount of time...” *See* Harris, par. [0031]. Said another way, the regions disclosed by Harris are not exclusively allocated to any one set of websites, rather, the regions are unrestrictive as the displayed website is able change to a different website. As such, Harris is completely silent with respect to a plug-in configured to ensure exclusive access between a respective set of resources and a private zone as required by independent claim 19.

Because Harris fails to disclose private zones and a plug-in, Harris fails to disclose all the limitations of independent claim 19. Thus, independent claim 19 is patentable over Harris. Independent claims 25 and 36 are believed to include at least the same patentable limitations as independent claim 19 and, thus, are patentable over Harris for at least the same reasons as independent claim 19. Further, dependent claims are patentable over Harris for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 103

Claims 20-23 and 26-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris in view of an article entitled “*Entrust Secure Web Portal Solution for Microsoft Windows NT*,” attributed to Intel. Claims 20-23 depend from independent claim 19, claims 26-28 depend from independent claim 25, claims 31-34 depend from independent claim 30, and claims 29 and 35 are also independent. For the reasons set forth below, the rejection is respectfully traversed.

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit.” Further, when combining prior art elements, the Examiner “must articulate the

following: a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference; ..." MPEP § 2143(A). The Applicants respectfully assert that the cited references, whether considered separately or in combination, fail to teach or suggest all the limitations of independent claims 19, 25, 29, 30, and 35.

Claims 29, 30, and 35 include at least similar limitations to those included in claims 19 and 25. As discussed previously, Harris does not teach or suggest all the limitations of independent claims 19 and 25. Further, Intel does not teach that which Harris lacks. This is evidenced by the fact that Intel is only relied upon to teach "authentication to access the browser using zone access key for secured transmission." *See* Action, p. 9. Moreover, Intel is silent with respect to multiple private zones and a plug-in for ensuring exclusive communication between a respective set of resources and a private zone. Specifically, Intel is only directed to a single set of zones that are allocated collectively to all computer resources.

Further, Applicants respectfully note that "[i]n order to rely on a reference as a basis for rejection of an applicant's invention, the reference must be either in the field of applicant's endeavor or, if not, then be reasonably pertinent to the *particular problem* with which the invention was concerned." *In re Oetiker*, 766 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992) (emphasis added). *See also* MPEP § 2141.01(a). Applicants respectfully assert that Harris is not in the field of Applicants' endeavor, and is not sufficiently pertinent to the particular problem with which Applicants' invention is concerned.

A reference “cannot be considered to be within [the inventor’s] field of endeavor merely because both relate to [the same] industry.” *Pentec, Inc. v. Graphic Controls Corp.*, 776 F.2d 309, 227 USPQ 766 (Fed. Cir. 1985) (holding that the mere fact that the invention and the cited art both related to the petroleum industry was not sufficient to consider the reference analogous art). In fact, even references within the same industry may be in different fields of endeavor. For example “[a reference relating to computer memories] is not in the same field of endeavor as the claimed subject matter merely because it relates to memories.” *Wang Laboratories, Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993).

Moreover, “[p]recise definition of the problem is important in determining whether a reference is from a non-analogous art ... [D]efining the problem too broadly ... may result in considering prior art as ‘analogous’ which is inconsistent with real world considerations.” *In re Shapleigh*, 248 F.2d 96, 102, 115 USPQ 129, 133 (CCPA 1957) (emphasis added). Specifically, “[w]here the challenged invention is directed to a *different purpose* than the prior art, the inventor would have been less motivated to consider the prior art thereby militating against a conclusion that such prior art is analogous.” *In re Clay*, 966 F.2d 656, 23 USPQ2d 1058 (Fed. Cir. 1992) (emphasis added). Therefore, “a basis for determining whether art is analogous ... is to look at whether it deals with a *problem* similar to that being addressed by the inventor.” *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983).

“Under the correct analysis, any need or problem known in the field of endeavor at the time of the invention and addressed by the patent [or application at issue] can provide a reason for combining the elements in the manner claimed.” *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1397 (2007). Thus, a reference in a field different from that of

Applicant's endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole. MPEP § 2141.01(a) (emphasis added).

Harris is directed to a system and method for providing marketing via the Internet. *See* Harris, par. [0002]. Specifically, Harris is directed to providing a marketing scheme via the web that addresses the current inefficiencies faced by both the content provider and marketing industries in the online marketplace. In particular, Harris teaches a method and system for providing web-based marketing by simultaneously and independently displaying formatted first and second web pages in first and second regions, of a user's homepage. *See, e.g.*, Harris, pars. [0011]-[0012]. In contrast, Applicants' invention relates to the problem of security breaches between website users and managers, resulting in a lack of trust. *See, e.g.*, Specification, [0011]. The mere fact that Applicants' invention uses private zones and Harris uses regions (as shown above, regions cannot be equated with private zones) does not mean that both are in the same field of endeavor.

To the contrary, Applicants' invention is not only in a different field of endeavor (*i.e.*, secure communication vs. web-based marketing), but is also directed to solving a *different problem*. The Examiner will surely agree that one of ordinary skill in the art, seeking to improve trust between, for example, websites and smart cards, would not have been motivated to consider a reference that teaches a method of displaying multiple websites on a single screen.

In view of the above, independent claims 19, 25, 29, 30, and 35 are patentable over Harris and Intel. Therefore, independent claims 19, 25, 29, 30, and 35 are patentable over Harris and Intel for at least the reasons given above, whether the references are considered separately or in

combination. Dependent claims are patentable for at least the same reasons. Thus, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09669/053001).

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